

Questions and Answers from the 2005 Spring Insurance Coordinator Training

- Q1. Will insurance coordinators be able to print hard copies of the 2006 web enrollment information?**
- A1. Insurance Coordinators will be able to print the elections the employee has chosen; however this will not be in the format of a paper application.
- Q2. Are retirees participating in web enrollment?**
- A2. The Kentucky Retirement Systems (KRS) will not be participating in web enrollment. However; as of this date, the Kentucky Teachers' Retirement System (KTRS) will be participating in web enrollment.
- Q3. Are visually impaired employees going to have assistance with web enrollment?**
- A3. Visually impaired employees may request assistance from their Insurance Coordinators.
- Q4. Do Insurance Coordinators need to send COBRA notices to an employee going on active duty or into retirement?**
- A4. Insurance Coordinators will need to send out election notices for employees that retire and for employees called to active duty. The employee's retirement is considered termination of employment and the active duty employees will be covered under USERRA which runs concurrently with COBRA.
- Q5. Do Insurance Coordinators of quasi-governmental agencies need to send out TEFRA notices?**
- A5. TEFRA letters are generated from the state UPPS payroll system. If you are not a state agency on the UPPS payroll system, you should work with your payroll system to generate these letters.
- Q6. If a state employee retains 10 days of sick leave before they begin LWOP, will they still be entitled to the state contribution for the following month, if they only work one (1) hour before LWOP begins again?**
- A6. Yes, they will receive the employer contribution.
- Q7. What information will be needed from the employee to begin web enrollment?**
- A7. Employees will need their Social Security Number, date of birth and their web enrollment password to begin web enrollment.
- Q8. How is FMLA tracked when an employee transfers to a different agency?**
- A8. An entity must make a determination of the "employer group" for purposes of FMLA (counting of hours worked for eligibility, transfers, etc.). FMLA (§ 825.104) states that "A determination of whether or not separate entities are an integrated employer is not determined by the application of any single criterion, but rather the entire relationship is to be reviewed in its totality." That section goes on to list some of the factors to be considered. § 825.108 deals with "public agency". Subsection (c)(1) states that "Where there is any question about whether a public entity is a public agency, as distinguished from a part of another public agency, the U.S. Bureau of the Census' "Census of Governments" will be determinative...."

The links to the Kentucky section is <http://ftp2.census.gov/govs/cog/gc0212ky.pdf>.

For the Executive Branch agencies, the accumulation of FMLA carries forward to the new agency when an employee transfers.

Q9. Is there a minimum amount that an employer is required to leave in an employee's paycheck?

A9. Please check with your payroll officer.

Q10. How will the deductible be calculated for periods of January 2006 through June 30, 2006, and then July forward?

A10. This information has not been determined at this time.

Q11. If an employee is over age 65, and they have coverage through a KRS supplement, are they eligible for the state contribution if they return to active employment?

A11. An over 65 employee can choose the Medicare Supplement offered through KRS or choose the benefits offered through the employer (health insurance or the health flexible spending account).

Some confusion may have arisen over the years due to the various changes that have occurred in our administration of this issue. Originally, over 65 employees were not permitted to waive health insurance and direct the employer contribution to a health flexible spending account based on the opinion that this benefit served as an incentive to remain on Medicare and such incentives were prohibited by federal law. However, we sought and received clarification from the Centers for Medicare and Medicaid Services, that it would not be viewed as an incentive if the same benefit were offered to all employees. Following that clarification, the General Assembly passed the law prohibiting double dipping. It is considered double-dipping to have the Medicare Supplement as a retiree and the state contribution as an active employee.

Q12. What constitutes a dual employee?

A12. A dual employee is an employee who is eligible for health insurance from two employers in the Public Employee Health Insurance program. *For example:* If an employee teaches school full-time for Franklin County Schools during the day and works full time as a janitor at Fayette County Schools during the evening, he/she would be considered a dual employee and eligible for two state contributions. The two employers do not have to both be state agencies, or both be schools, any combination of employers satisfies the dual employee requirement as long as they are eligible for two contributions.

The Department for Employee Insurance does not determine the number of hours required for accruing benefits. The participating employer groups must make such determination. For example: Executive Branch employees must work 100 hours per month to earn benefits. Therefore, an employee working for two different executive branch agencies must work 100 hours at each to be eligible for two contributions.

Q13. Why can't employees call the Department for Employee Insurance (DEI), rather than their insurance coordinator, if they need their web enrollment password reset?

A13. In accordance with HIPAA requirements, the DEI must take all feasible measures to ensure the privacy of our members' personal health information. Other than health insurance elections, the DEI does not maintain additional data that could be used for verification purposes (such as payroll information, etc.), which is available to Insurance Coordinators.

Q14. Is the link for printable forms in Section 5-1 correct?

A14. No, the link has changed. The new link is <http://personnel.ky.gov/stemp/dei/05planyear/hiforms.htm>; the link for the DEI web site is <http://personnel.ky.gov/stemp/dei/>.